

REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

I. Amendments to the Claims

Independent claims 61, 70 and 73 have been amended to clarify features of the invention recited therein. In addition, dependent claim 64 has been amended to remain consistent with amended independent claim 61.

Support for these clarifying amendments can be found, at least, in Fig. 10B and pages 27-29 of the originally filed specification.

It is also noted that claims 61, 64, 70 and 73 have been amended to make a number of editorial revisions thereto. These editorial revisions have been made to place the claims in better U.S. form. Further, these editorial revisions have not been made to narrow the scope of protection of the claims, or to address issues related to patentability, and therefore, these amendments should not be construed as limiting the scope of equivalents of the claimed features offered by the Doctrine of Equivalents.

II. 35 U.S.C. §101 Rejection

In the final Office Action dated November 12, 2009, claim 70 was rejected under 35 U.S.C. § 101 for failure to recite statutory subject matter.

However, in view of the amendments to claim 70 submitted in the response filed on February 12, 2010 and in view of the comments included on the continuation sheet of the Advisory Action mailed on March 11, 2010, it appears that this rejection has been overcome.

III. 35 U.S.C. § 112, Second Paragraph Rejections

Claims 61 and 64 were rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

However, in view of the amendments to claims 61 and 64 submitted in the response filed on February 12, 2010 and in view of the comments included on the continuation sheet of the Advisory Action mailed on March 11, 2010, it appears that this rejection has been overcome.

Furthermore, claim 70 was rejected under 35 U.S.C. § 112, second paragraph, for allegedly omitting steps that are essential. Specifically, the rejection states that claim 70 recites a method that omits steps that are essential. In particular, the rejection states that claim 70 omits a step of “processing successive transaction process of the plurality of transaction processes.” Further, the rejection states that this omitted step is necessary because claim 70 recites that “when successive transaction processes ... *are processed*” The Applicants respectfully disagree with this rejection for the following reasons.

Although previously presented claim 70 did not include a “step of processing,” claim 70 can still properly recite “when successive transaction processes ... are processed,” because the processing can be performed by another method and/or apparatus. There is no requirement that a claimed method must recite method steps that can be or are performed by another method/apparatus. Although the claimed method utilizes “processed data,” the processing of the data does not necessarily need to be a part of the claimed method. As a result, the step of processing is not essential to the operation of the claimed invention.

However, in order to further delay the prosecution of this the present application, claim 70 has been amended to include a step related to processing successive processes of a transaction process. Therefore, withdrawal of this rejection is respectfully requested.

IV. 35 U.S.C. § 102 and § 103 Rejections

Claims 61 and 64 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hurvig (U.S. 5,678,007). Further, claim 73 was rejected under 35 U.S.C. § 102(b) as being anticipated by Moore (U.S. 7,732,266).

However, in view of the amendments to claims 61 and 64 and the remarks regarding independent claims 61 and 73 submitted in the response filed on February 12, 2010 and in view of the comments included on the continuation sheet of the Advisory Action mailed on March 11, 2010 (i.e., the comments on the continuation sheet of the Advisory Action do not address the Applicants' position regarding the Hurvig and Moore references), it appears that this 35 U.S.C. § 102 rejection has been overcome.

Claims 61, 64, 70 and 73 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Hurvig and Bortvedt (U.S. 5,799,305). This rejection is believed clearly inapplicable to amended independent claims 61, 70 and 73 for the following reasons.

Amended independent claim 61 recites a terminal device including a sending unit sending a plurality of request messages including a request message that includes a transaction flag, when successive processes of one transaction process (of a plurality of transaction processes) are processed, and including a response receiving unit receiving a plurality of response messages from a server device when the successive processes of the one transaction process are processed. Further, claim 61 recites that the sending unit, when the response receiving unit receives the

response message sent (i) from the server device without an occurrence of a communication error, and (ii) in response to a most recently sent request message, sends, in a second process or a following process of the one transaction process (other than a first process of the one transaction process), out of the successive processes of the one transaction process, the request message, including the transaction flag generated by an inverting unit, without sending a commit message, **such that**, when the response receiving unit receives the response message sent (i) from the server device without the occurrence of the communication error and (ii) in response to the most recently sent request message sent by the sending unit, the transaction flag is used as a substitute for the commit message being sent in response to the most recently sent request message. Claim 61 recites that the send unit sends the commit message only in a last process of the successive processes of the one transaction process.

Regarding the structure of the “transaction processes,” claim 61 recites that each respective transaction process of the plurality of transaction processes includes successive processes including (a) a process of sending a request message from said terminal device, (b) a process of receiving a response message from the server device, and (c) a process of sending, from said terminal device, a commit message for finalizing a completion of the respective transaction process of the plurality of transaction processes, wherein the request message includes a transaction flag that corresponds to a currently processed successive process of the respective transaction process and that has a value of 0 or 1.

The Applicants respectfully submit that Hurvig and Bortvedt, or any combination thereof, fails to disclose or suggest the above-mentioned distinguishing features required by amended independent claim 61, for the following reasons.

Initially, the Applicants note that the first paragraph on the continuation sheet of the Advisory Action states “Hurvig discloses sending the next request message when a response for one of the previously sent request messages is received (Hurvig 3:7-18; 10:15-23, 38-45; 11:6-32), Bortvedt additionally discloses including a transaction flag in a message (Bortvedt 15:5-23; 15:66-16:8).”

However, after reviewing the above-noted portions of Bortvedt, the Applicants submit that according to Bortvedt (i) four flags are included in an interval message, (ii) the interval message notifies all the interval participants of the interval, (iii) the interval message is transmitted separately from the request message, and (iv) there is no inversion of the four flags.

Thus, in view of the above, it is clear that Bortvedt teaches that the interval message, notifying participants of the interval, is transmitted separately from the request message and includes four flags, but fails to disclose or suggest that, when the response receiving unit receives the response message sent (i) from the server device without an occurrence of a communication error, and (ii) in response to a most recently sent request message, the sending unit sends, in a second process or a following process of the one transaction process (other than a first process of the one transaction process), out of the successive processes of the one transaction process, the request message, including the transaction flag generated by an inverting unit, without sending a commit message. **such that**, when the response receiving unit receives the response message sent (i) from the server device without the occurrence of the communication error and (ii) in response to the most recently sent request message sent by the sending unit, the transaction flag is used as a substitute for the commit message being sent in response to the most recently sent request message. as required by claim 61.

Furthermore, regarding the position set forth in the second paragraph of the continuation sheet of the Advisory Action, the Applicants note that Bortvedt teaches that four flags are included in an interval message, wherein the interval message is different from a request message (i.e., the interval message is generated separately from the transaction at a certain period, such as one-hundred milliseconds), and the flags of the interval message indicate whether the message includes any transactions to commit (see col. 15, lines 5-13; and col. 8, lines 51-59).

Thus, in view of the above, it is clear that Bortvedt teaches that the interval message (and transaction flag) are transmitted separately from the request message, but fails to disclose or suggest that the transaction flag is included in the request message, such that the transaction flag is used as a substitute for the commit message being sent in response to the most recently sent request message, wherein the send unit sends the commit message only in a last process of the successive processes of the one transaction process, as required by claim 61.

Therefore, because of the above-mentioned distinctions it is believed clear that claim 61 and claim 64 that depends therefrom would not have been obvious or result from any combination of Hurvig and Bortvedt.

Amended independent claims 70 and 73 are directed to a method and a program, respectively and each recites features that correspond to the above-mentioned distinguishing features of independent claim 61. Thus, for the same reasons discussed above, it is respectfully submitted that independent claims 70 and 73 are allowable over the combination of Hurvig and Bortvedt.

Furthermore, there is no disclosure or suggestion in Hurvig, Moore and/or Bortvedt or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Hurvig, Moore and/or Bortvedt to obtain the invention of independent claims 61, 70

and 73. Accordingly, it is respectfully submitted that independent claims 61, 70 and 73 and claim 64 that depends therefrom are clearly allowable over the prior art of record.

V. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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